

Business and Planning Act 2020 Pavement Licence Fees

Summary:

The purpose of this report is to seek permission from the Licensing Committee to allow officers to continue to waive the discretionary pavement licence fee for applications made under Part 1 of the Business and Planning Act 2020.

Recommendation

The Committee is asked to RESOLVE that

- (i) The discretionary licence fee of £100 for all new pavement licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.

1. Background

- 1.1 The Covid-19 pandemic continues to affect businesses across the economy causing many to cease trading for several months at a time, while others have had to significantly modify their operations.
- 1.2 The Business and Planning Act 2020(the Act) received Royal Assent on the 22nd July 2020. Part 1 of the Act, provisions relating to pavement licences, transferred authority to grant pavement licences from Surrey County Council in its capacity as the Highways Authority to Surrey Heath Borough Council. It also reduced the timescales for the approval of these applications.
- 1.3 These changes were introduced to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outside, whilst at the same time complying with social distancing rules.
- 1.4 On the 29th July 2020 the Licensing Committee received details of proposed arrangements for Surrey Heath to process applications for pavement licences.
- 1.5 These arrangements were approved by the Licensing Committee and the fee for a pavement licence was set at £100. (This is the maximum fee allowed under the Act).
- 1.6 In March 2021 the Licensing Committee resolved that
 - The discretionary licence fee of £100 for pavement licence applications, made under the Business and Planning Act 2020, be waived in light of the current and on-going impact of the COVID-19 pandemic and until further review by the Licensing Committee;

- The repayment of pavement licence fees to applicants where these have already been paid.
- 1.7 Following the Committee arrangements were put in place to waive the fees and to refund the fees where these had already been paid.

2. Current Position

- 2.1 On the 20th July the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 (the Regulations) came into force. The Regulations extended the provisions, in Part 1 of the Act, relating to pavement licences to 30 September 2022 as anticipated.
- 2.2 These Regulations were considered necessary to help to mitigate the effect of coronavirus.
- 2.3 These new provisions apply to a pavement licence for which an application is made on or after the date the Regulations come into force.
- 2.4 Brief details of these changes were provided in a verbal update to the Licensing Committee on the 29th July.
- 2.5 Since the meeting we have received 15 applications for Pavement Licences. In each case the fee has been waived in accordance with the resolution made by Committee in March. These licences have been issued and are due to expire on the 30th September 2022.
- 2.6 We are now seeking formal approval to continue to waive fees for applications received after tonight's meeting.
- 2.7 In light of the financial aspects of this Councillor Rodney Bates has informally discussed this request with Councillor Robin Perry, the finance portfolio holder. Councillor Perry has indicated that he is in agreement with this approach allowing the waiving of fees for applications received under the extended powers for pavement licences which expire on or before the 30th September 2022.
- 2.8 If there is a further extension to these arrangements, or if they subsequently become permanent, it may be appropriate, depending on circumstances, to charge the discretionary licence fees.

3. Resource and Financial Implications

- 3.1 Since the 20th July we have received 15 applications for pavement licences. In each case the fee has been waived.

3.2 The costs of processing these applications have been met and will continue to be met from within the existing Licensing Services budget.

4. Recommendations

- The discretionary licence fee of £100 for all new Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.

Annexes	A: Business and Planning Act 2020- licensing implications- Licensing Committee report and minutes of – 29 th July 2020 B: Business and Planning Act 2020- Pavement Licence Fees- Licensing Committee report and minutes- 15 March 2021
Background Papers	Business and Planning Act 2020 The Business and Planning Act 2020(Pavement Licences)(Coronavirus)(Amendment) Regulations 2021
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